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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/638,219

08/08/2003

James K. Vanderveen

2002P13157US01;
60,427-60

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24500

7590

02/23/2005

SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

HARRIS, KATRINA B

ART UNIT

PAPER NUMBER

3747

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/638,219

Applicant(s)

VANDERVEEN ET AL.

Examiner

Katrina B. Harris

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8,12-24 and 26 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 2,9-11 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-8, 12-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Mammarella et al. (6,167,855). Mammarella discloses An air induction assembly for a vehicle engine comprising: an air cleaner (28) having an air cleaner inlet (14) in fluid communication with an air supply and an air cleaner outlet (56); an intake manifold (18) mounted to said air cleaner (28) and having a manifold inlet in fluid communication with said air cleaner outlet; and a valve cover (20) mounted to said air cleaner such that said valve cover, said intake manifold, and said air cleaner together form an induction module wherein said induction module (10) is mounted to a vehicle engine as a single unit.

Regarding claim 3, and said valve cover are integrally molded together as a single piece.

Regarding claim 4, including at least one attachment interface between said air cleaner and said valve cover.

Regarding claim 5, including a throttle body (32) mounted to said intake manifold (18) and having a throttle body inlet in fluid communication with said air cleaner outlet.

Regarding claim 6, a tube sealed at one end to said air cleaner at said air cleaner outlet and at an opposite end to said throttle body inlet. See Figure 3

Regarding claim 7, wherein the intake manifold has an upper surface facing away from said engine and wherein the throttle body inlet is incorporated into the upper surface. See Figure 3.

Regarding claim 8, throttle body inlet is incorporated into a side surface of said intake manifold. See Figure 3.

Regarding claim 12, a radial seal air filter mounted within a cavity formed within said air cleaner, said radial seal air filter comprising a tube and filtering material circumferentially surrounding said tube and extending along the length of said tube wherein said tube includes an enclosed first end and an open second end in fluid communication with said air cleaner outlet.

Regarding claim 13, a gap formed between said enclosed first end and said air cleaner inlet such that air flows into said gap, flows around said radial seal air filter, flows through said filtering material into said tube, and flows out through said air cleaner outlet.

Regarding claim 14, an air cleaner cover mounted to said air cleaner and selectively moveable between an open and closed position to provide access to said radial seal air filter.

Regarding claim 15, A method of mounting an air induction assembly to a vehicle engine comprising the steps of: (a) assembling an intake manifold, air cleaner, and

Art Unit: 3747

valve cover together to form an induction module, and (b) mounting the induction module to a vehicle engine.

Regarding claim 16, the method further includes the step of positioning the air cleaner directly between the valve cover and said intake manifold.

Regarding claim 17, wherein step (a) further includes the step of attaching a throttle body to the intake manifold prior to step (b).

Regarding claim 18, including the step of installing an air filter in a cavity formed within the air cleaner.

Regarding claim 19, including the step of integrally forming the air cleaner, the intake manifold, and the valve cover as a single piece.

Regarding claim 20, including forming a first attachment interface between the air cleaner and the intake manifold; forming a second attachment interface, separate from the first attachment interface, between the air cleaner and the valve cover; welding the air cleaner to the intake manifold at the first attachment interface; and welding the air cleaner to the valve cover at the second attachment interface.

Regarding claim 21, wherein the air cleaner comprises a housing defining an air filter cavity and wherein step (a) includes attaching a lower surface of the housing to the valve cover, attaching an upper surface of the housing to the intake manifold such that the air cleaner is sandwiched between the intake manifold and the valve cover, forming an air clean air cleaner outlet, forming an intake manifold inlet within a wall of the intake manifold, and connecting the air cleaner outlet to the intake manifold inlet with a tube.

Regarding claim 22, including forming the air cleaner with a bottom surface, a first longitudinal side wall, a second longitudinal side wall that is parallel to and spaced apart from the first longitudinal side wall, a first lateral side wall interconnecting the first and the second longitudinal side walls, and a second lateral side wall that is parallel to and spaced apart from the first lateral side wall such that the first and second longitudinal side walls and the first and second lateral side walls cooperate with the bottom surface to form a box for substantially enclosing a filter; mounting the valve cover directly to the bottom surface of the air cleaner; and mounting the intake manifold directly along one of the first and second longitudinal side walls.

Regarding claim 23, wherein said air cleaner comprises a housing defining an inner cavity for receiving a filter, and wherein said housing includes a lower portion directly attached to said valve cover and an upper portion directly attached to said intake manifold such that said housing is sandwiched between said valve cover and said intake manifold.

Regarding claim 24, wherein said air cleaner includes a bottom surface, a first longitudinal side wall, a second longitudinal side wall that is parallel to and spaced apart from said first longitudinal side wall, a first lateral side wall interconnecting said first and said second longitudinal side walls, and a second lateral side wall that is parallel to and spaced apart from said first lateral side wall and wherein said first and second longitudinal side walls and said first and second lateral side walls cooperate with said bottom surface to form a box that substantially encloses a filter and wherein said valve

Art Unit: 3747

cover is directly attached to said bottom surface of said air cleaner and said intake manifold is directly attached along one of said first and second longitudinal side walls.

Regarding claim 26, said air cleaner inlet is formed at a first opening within one of said first and second lateral side walls and wherein said air cleaner outlet is formed at a second opening within the other of said first and second lateral side walls with the filter extending between the first and second openings and wherein said manifold inlet is formed at a third opening within a side wall of the intake manifold and including a tube that extends outwardly from the second opening toward the third opening to fluidly connect said air cleaner outlet to said manifold inlet.

Response to Arguments

Applicant's arguments filed December 14, 2004 have been fully considered but they are not persuasive.

In response to arguments regarding claim 3. In paragraph 23 of page 5 of the specification, applicants states that "the air cleaner 14, valve cover 16, and intake manifold 12 are formed from separate components that are welded or similarly attached together." And the intake manifold 12 could be integrally formed together as a single piece in a molding process. In paragraph 25 of that same page, the applicants states that "the throttle body 50 can be integrally formed with the manifold 12 or separately attached.

Allowable Subject Matter

Claims 2, 9-11 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katrina B. Harris whose telephone number is 571-272-4842. The examiner can normally be reached on 6:00 AM -2:30 PM.

Art Unit: 3747

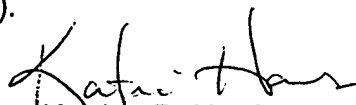
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KBH

**MAHMOUD GIMIE
PRIMARY EXAMINER**



**Katrina B. Harris
Examiner
Art Unit 3747**